

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, APRIL 3, 2003

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 3, 2003

The Senate met in regular session at 8:33 a.m., President Kramer presiding.

Prayer was offered by the Reverend Sheryl Campbell, pastor of the Ripley United Church of Christ in Traer, Iowa. She was the guest of Senator Putney.

The Journal of Wednesday, April 2, 2003, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 2, 2003, **passed** the following bill in which the concurrence of the Senate is asked:

House File 619, a bill for an act relating to health care including reimbursement of health care facilities based on resident program eligibility and providing effective dates and a contingent effective date.

Read first time and **attached to similar Senate File 408**.

Senator Boettger took the chair at 8:40 a.m.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Angelo asked and received unanimous consent to take up for consideration [Senate Resolution 29](#).

[Senate Resolution 29](#)

On motion of Senator Dotzler, [Senate Resolution 29](#), a resolution honoring the East Waterloo High School Boys' Basketball Team, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler welcomed to the Senate chamber the East Waterloo Boys' Basketball Team and coaches.

The Senate rose and expressed its welcome.

Senator Dotzler read [Senate Resolution 29](#) and moved its adoption, which motion prevailed by a voice vote.

RECESS

On motion of Senator Veenstra, the Senate recessed at 8:56 a.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 10:46 a.m., President Kramer presiding.

ADJOURNMENT

On motion of Senator Gaskill, the Senate adjourned at 10:47 a.m. until 1:00 p.m. Monday, April 7, 2003.

APPENDIX**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

John Jacobsen, Waterloo — For celebrating your 99th birthday. Senator Dotzler (4/3/03).

Marc Roberg, Afton — For being named National Wild Turkey Federation's Iowa Wildlife Officer of the Year. Senator Angelo (4/3/03).

Craig and Brenda Willis, Diagonal — For winning Grand Champion Maine-Anjou Bull at the 2003 Iowa Beef Expo. Senator Angelo (4/3/03).

REPORTS OF COMMITTEE MEETINGS**AGRICULTURE**

Convened: April 3, 2003, 12:30 a.m.

Members Present: Behn, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Gaskill, Houser, Johnson, Kibbie, Putney, Ragan, Seng, Veenstra, and Ziemann.

Members Absent: Black and Courtney (both excused).

Committee Business: Passed HF's 509 and 634.

Adjourned: 12:40 p.m.

COMMERCE

Convened: April 3, 2003, 10:30 a.m.

Members Present: Angelo, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Behn, Bolkcom, Larson, McCoy, Schuerer, Sievers, and Stewart.

Members Absent: Brunkhorst, Gronstal, Kettering, and Redfern (all excused).

Committee Business: Passed HF's 391, 446, 545, and 616 and approved the Governor's appointees.

Adjourned: 10:50 a.m.

STATE GOVERNMENT

Convened: April 3, 2003, 11:15 a.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, Tinsman, and Veenstra.

Members Absent: None.

Committee Business: Passed HF's 204, 456, 601, and 603 and approved the Governor's appointees.

Adjourned: 11:50 a.m.

STUDY BILLS RECEIVED

SSB 1188 Ways and Means

Relating to criteria for community-based seed capital funds and providing a retroactive applicability date.

SSB 1189 Ways and Means

Relating to state taxes by imposing a single rate tax, eliminating the deduction for federal income taxes paid, and eliminating the alternative minimum tax under the individual income tax; by increasing the sales and use tax rate; and by increasing the state cigarette and tobacco products tax rates; and including effective and applicability date provisions.

SSB 1190 Ways and Means

Relating to local taxes and budgets by requiring a super majority vote on state appropriations funding certain property tax credits and exemptions and providing local government assistance and on legislation increasing maximum property tax rates, including certain law enforcement expenses as general county services, requiring counties to establish property tax replacement funds, establishing an ending fund balances limitation for counties, defining terms related to the county budgeting process, providing for an ad valorem tax on mobile homes and manufactured homes, allowing counties to employ a multicounty assessor, relating to property assessment guidelines and providing for state payment reductions, setting assessment limitations on residential and agricultural property and on commercial and industrial property, classifying commercial and industrial property as one taxation class, allowing for appeal of

assessments of industrial property to the director of revenue and finance, establishing a property tax limitation for cities and counties; and including effective and applicability dates.

SSB 1191 **Ways and Means**

Relating to securities and tax credits issued by the Iowa capital investment corporation and board.

SSB 1192 **Ways and Means**

Relating to the individual income tax by imposing a single rate tax, eliminating the deduction for federal income taxes paid, and eliminating the alternative minimum tax, and providing for sales tax-related studies, and including effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

House File 493

AGRICULTURE: Hosch, Chair; Gaskill and Kibbie

SSB 1188

WAYS AND MEANS: McKinley, Chair; Dotzler and Shull

SSB 1189

WAYS AND MEANS: McKibben, Chair; Connolly, Seng, Shull, and Sievers

SSB 1190

WAYS AND MEANS: Sievers, Chair; McKibben and Stewart

SSB 1191

WAYS AND MEANS: McKibben, Chair; Connolly and Shull

SSB 1192

WAYS AND MEANS: McKibben, Chair; Connolly, Seng, Shull, and Sievers

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: [HOUSE FILE 509](#), a bill for an act relating to deer and elk chronic wasting disease by establishing a task force and requiring departmental cooperation in the implementation of a chronic wasting disease administrative strategy, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Behn, Hosch, Fraise, Angelo, Gaskill, Houser, Johnson, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, none. Absent, 2: Black and Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 634](#), a bill for an act relating to the conversion of cooperative associations originally organized as business corporations.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Behn, Hosch, Fraise, Angelo, Gaskill, Houser, Johnson, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, none. Absent, 2: Black and Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: [HOUSE FILE 391](#), a bill for an act establishing a pilot program for the development of cogeneration facilities, providing for the development of ratemaking principles and rates for pilot program facilities, and providing for a future repeal.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3139](#).

Final Vote: Ayes, 11: Angelo, Wieck, Warnstadt, Beall, Behn, Bolkcom, Larson, McCoy, Schuerer, Sievers, and Stewart. Nays, none. Absent, 4: Brunkhorst, Gronstal, Kettering, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 446](#), a bill for an act relating to dealership agreements, and providing for the Act's applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Angelo, Wieck, Warnstadt, Beall, Behn, Bolkcom, Larson, McCoy, Schuerer, Sievers, and Stewart. Nays, none. Absent, 4: Brunkhorst, Gronstal, Kettering, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 545](#), a bill for an act relating to the requirements for newspapers designated for official publication purposes.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Angelo, Wieck, Warnstadt, Beall, Behn, Bolkcom, Larson, McCoy, Schuerer, Sievers, and Stewart. Nays, none. Absent, 4: Brunkhorst, Gronstal, Kettering, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 616](#), a bill for an act prohibiting a cancellation penalty upon cancellation of a purchase agreement for cemetery merchandise, funeral merchandise, and funeral services.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Angelo, Wieck, Warnstadt, Beall, Behn, Bolkcom, Larson, McCoy, Schuerer, Sievers, and Stewart. Nays, none. Absent, 4: Brunkhorst, Gronstal, Kettering, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: [HOUSE FILE 204](#), a bill for an act relating to massage therapy by providing for a study regarding the modalities associated with massage therapy and providing a temporary exemption from licensure requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, Tinsman, and Veenstra. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 456](#), a bill for an act relating to contract choice-of-law provisions referring to the uniform computer information transactions Act, and related matters and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, Tinsman, and Veenstra. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 601](#), a bill for an act relating to campaign finance, including political party committees, campaign disclosure reports, independent expenditures, and income tax checkoff provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, Tinsman, and Veenstra. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [HOUSE FILE 603](#), a bill for an act providing an exception to licensing requirements for certain bingo occasions conducted by nonprofit organizations.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Lamberti, Ragan, Schuerer, Shull, and Tinsman. Nays, 1: Veenstra. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

COMMERCE

Lorraine Groves – Credit Union Review Board
Roger Reiser – Credit Union Review Board

John P. Gillispie – Executive Director of the Iowa Telecommunications and Technology Commission

STATE GOVERNMENT

Valorie Prah – Board of Chiropractic Examiners

Eileen Cacioppo – Board of Dental Examiners

Susan Long – Engineering and Land Surveying Examining Board

Janet Carl – Iowa Ethics and Campaign Disclosure Board

Rickey Salocker – Board of Podiatry Examiners

Diane Hamilton – State Racing and Gaming Commission

Sally Steffen – State Board for Respiratory Care

Becky Vilda – Board of Speech Pathology and Audiology Examiners

Marvin Berenstein – Vision Iowa Board

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MADAM PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Janet Carl – Iowa Ethics and Campaign Disclosure Board

MARK ZIEMAN

AMENDMENTS FILED

<u>S-3138</u>	<u>S.F. 300</u>	Mark Zieman
<u>S-3139</u>	<u>H.F. 391</u>	Commerce